

1       **SECTION 117.** 30.18 (5) (a) 1. of the statutes is amended to read:

2       30.18 (5) (a) 1. ~~That the~~ The proposed diversion will not injure any public rights  
3 ~~in navigable waters be detrimental to the public interest.~~

4       **SECTION 118.** 30.18 (5) (a) 1m. of the statutes is created to read:

5       30.18 (5) (a) 1m. The proposed diversion is for use on riparian land.

6       **SECTION 119.** 30.18 (5) (a) 2. of the statutes is amended to read:

7       30.18 (5) (a) 2. ~~That the~~ Either the water to be diverted is surplus water, or if  
8 ~~it is not surplus water, that all riparians not being beneficially used or all riparian~~  
9 ~~owners~~ who may be adversely affected by the diversion have consented to the  
10 proposed diversion.

11       **SECTION 120.** 30.18 (5) (b) of the statutes is amended to read:

12       30.18 (5) (b) ~~Streams~~ Major diversions from streams or lakes. The department  
13 ~~shall approve an application for~~ issue a permit required under sub. (2) (b) for a major  
14 diversion if the grounds for approval specified under s. 281.35 (5) (d) are met ~~and, if~~  
15 ~~the.~~ If a permit is also required under sub. (2) (a), if the department ~~makes the~~  
16 ~~determinations specified under par. (a)~~ shall issue a permit under this paragraph  
17 only if the conditions for a permit under par. (a) apply to the major diversion.

18       **SECTION 121.** 30.18 (6) (title) of the statutes is amended to read:

19       30.18 (6) (title) ~~PERMITS; USE OF WATER~~ PERMIT CONDITIONS; REPORTING; REVIEW.

20       **SECTION 122.** 30.18 (6) (a) of the statutes is amended to read:

21       30.18 (6) (a) *Contents of permit.* The department shall specify on each permit  
22 issued under this section the quantity of water that may be diverted and the times  
23 during which water may be diverted. In addition, if the permit is one which is  
24 required under sub. (2) (b) for a major diversion, the permit shall comply with s.  
25 281.35 (6).

1           **SECTION 123.** 30.18 (6) (b) of the statutes is renumbered 30.18 (6) (dm) and  
2 amended to read:

3           30.18 (6) (dm) *Use of water.* A person who is issued a permit under this section  
4 for the purpose of irrigation or agriculture may use the water on any land contiguous  
5 to the permittee's riparian land, but may not withdraw more water than ~~it did the~~  
6 permittee withdrew before August 1, 1957, ~~without applying to the department for~~  
7 ~~a modification of the permit~~ unless the department approves the additional amount  
8 to be withdrawn by modifying the permittee's permit.

9           **SECTION 124.** 30.18 (6) (c) of the statutes is renumbered 30.18 (6) (bm) and  
10 amended to read:

11           30.18 (6) (bm) *Reporting required.* ~~The department shall require each~~  
12 ~~permittee~~ A person who is issued a permit under this section ~~to report its~~ shall report  
13 to the department the volume and rate of withdrawal and its volume and rate of  
14 water loss, if any, The report shall be in the form and at the times specified by the  
15 department.

16           **SECTION 125.** 30.18 (6) (cm) 3. of the statutes is created to read:

17           30.18 (6) (cm) 3. A permit issued under this section before August 1, 1957, is  
18 exempt from the review requirements under subds. 1. and 2.

19           **SECTION 126.** 30.18 (6) (d) (title) of the statutes is renumbered 30.18 (6) (cm)  
20 (title).

21           **SECTION 127.** 30.18 (6) (d) of the statutes is renumbered 30.18 (6) (cm) 1. and  
22 amended to read:

23           30.18 (6) (cm) 1. ~~If the permit is one that is required under sub. (2) (a), but not~~  
24 ~~under sub. (2) (b), and the permit was issued on or after August 1, 1957, Except as~~

1 provided in subds. 2. and 3. the department shall review the each permit issued  
2 under this section at least once every 5 years.

3 2. If the permit is one that is required under sub. (2) (b) for a major diversion,  
4 the department shall review the permit as required under s. 281.35 (6) (b).

5 **SECTION 128.** 30.18 (6m) (title) of the statutes is repealed and recreated to read:

6 30.18 (6m) (title) RESCISSION.

7 **SECTION 129.** 30.18 (6m) (a) (intro.) of the statutes is amended to read:

8 30.18 (6m) (a) Streams; mandatory rescission. (intro.) The department shall  
9 revoke rescind a permit issued under sub. (5) (a), which is not subject to sub. (2) (b),  
10 if it a permit for a major diversion, if the department finds that any of the following  
11 applies:

12 **SECTION 130.** 30.18 (6m) (a) 1. and 2. of the statutes are amended to read:

13 30.18 (6m) (a) 1. ~~That the~~ The water being diverted is ~~no longer surplus water,~~  
14 ~~except that the department may allow the diversion to continue if all riparians has~~  
15 become water that is being beneficially used, unless all riparian owners adversely  
16 affected by the diversion continue to consent to it.

17 2. If the diversion is from a stream designated by the department as a trout  
18 stream, ~~that the revocation~~ the rescission is desirable for conservation purposes.

19 **SECTION 131.** 30.18 (6m) (b) of the statutes is amended to read:

20 30.18 (6m) (b) Streams; discretionary rescission. The department may ~~revoke~~  
21 rescind any permit issued under sub. (5) (a), which is not subject to sub. (2) (b), if it  
22 a permit for a major diversion, if the department finds that the diversion is  
23 detrimental to the stream from which the water is diverted.

24 **SECTION 132.** 30.18 (6m) (bm) of the statutes is created to read:

1           30.18 (6m) (bm) *Procedure for rescission.* The procedure under s. 30.249 (2)  
2 applies to rescissions under pars. (a) and (b).

3           **SECTION 133.** 30.18 (6m) (c) of the statutes is amended to read:

4           30.18 (6m) (c) Major diversion. The department may revoke a ~~rescind any~~  
5 permit issued under sub. (5) (b) for a major diversion only as provided under s. 281.35  
6 (6).

7           **SECTION 134.** 30.18 (7) of the statutes is amended to read:

8           30.18 (7) PREREQUISITES TO PROJECT CONSTRUCTION WORK. ~~After an application~~  
9 ~~under this section has been filed with the department, the applicant may enter any~~  
10 ~~land through which it is proposed to divert the water for the purposes of making any~~  
11 ~~surveys required for drafting the plans for the project, but no work shall~~ Work may  
12 not be commenced on the canal, headworks, or other structures necessary for the  
13 project for which a permit has been issued under this section until the plans for the  
14 same canal, headworks, or other structures have been approved by the department.  
15 Any person ~~having received~~ who has been issued a permit required under sub. (2) (a)  
16 for a diversion that is not a major diversion may ~~construct~~ commence the work upon  
17 the land of another ~~the canal and other works~~ as authorized by the permit only after  
18 the damage ~~which will be sustained by the owner or owners of such~~ of that land has  
19 been satisfied, ~~or has been determined as provided for in ch. 32, and~~ compensated for  
20 any damages that the owner will incur as a result of the work or after the final sum  
21 so for condemnation of the property under ch. 32 has been determined and all costs  
22 have been paid to the persons entitled thereto owner or to the clerk of the circuit court  
23 on ~~their~~ the owner's account.

NOTE: Current s. 30.18 (7) allows the applicant to “enter any land through which it is proposed to divert water”, after the permit application is filed, to conduct surveys.

This provision is deleted, and replaced by a requirement in new s. 30.18 (3m) (a) for the applicant to obtain permission or authority to enter the land.

1        **SECTION 135.** 30.18 (8) of the statutes is renumbered 30.353.

2        **SECTION 136.** 30.18 (9) of the statutes is repealed.

3        **SECTION 137.** 30.19 (3r) (a) (intro.) of the statutes is amended to read:

4        30.19 (3r) (a) (intro.) The department shall issue statewide general permits  
5        under s. ~~30.206~~ 30.221 that authorize persons to do all of the following:

6        **SECTION 138.** 30.19 (4) (b) of the statutes is amended to read:

7        30.19 (4) (b) The notice and hearing provisions of s. ~~30.208~~ 30.244 (3) to (5)  
8        apply to an application under par. (a).

9        **SECTION 139.** 30.19 (4) (c) 2. of the statutes is amended to read:

10       30.19 (4) (c) 2. The activity will not cause environmental pollution, ~~as defined~~  
11       in s. ~~299.01~~ (4).

12       **SECTION 140.** 30.195 (2) (b) of the statutes is amended to read:

13       30.195 (2) (b) The notice and hearing provisions of s. ~~30.208~~ 30.244 (3) to (5)  
14       apply to an application under par. (a).

15       ~~SECTION 141.~~ SECTION #. RP: 30.195(4) and (7) 30.196 of the statutes is renumbered 30.313, and 30.313 (intro.),

16       as renumbered, is amended to read:

17       **30.313 Enclosure of navigable waters; issuance of permits to**  
18       **municipalities.** (intro.) A municipality may enclose navigable waters by directing,  
19       placing or restricting navigable waters into an enclosed drain, conduit, storm sewer  
20       or similar structure if the department grants the municipality an individual permit.  
21       The department may grant this permit to a municipality after following the notice  
22       and hearing requirements under s. ~~30.208~~ 30.244 (3) to (5) if it finds that granting  
23       the permit:

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1        **SECTION 142.** 30.20 (1g) (c) of the statutes is renumbered 30.263 (3) and  
2 amended to read:

3        **30.263 (3) REMOVAL OF MATERIAL.** A removal of material by the drainage board  
4 for the Duck Creek Drainage District from a drain that the board operates in the  
5 Duck Creek Drainage District is exempt from the individual and general permit  
6 requirements under ~~this section~~ s. 30.20 if the removal is required, under rules  
7 promulgated by the department of agriculture, trade and consumer protection, in  
8 order to conform the drain to specifications imposed by the department of  
9 agriculture, trade and consumer protection after consulting with the department of  
10 natural resources.

11        **SECTION 143.** 30.20 (1m) (b) of the statutes is amended to read:

12        **30.20 (1m) (b)** Environmental pollution, ~~as defined in s. 299.01 (4).~~

13        **SECTION 144.** 30.20 (1r) (b) 1. of the statutes is amended to read:

14        **30.20 (1r) (b) 1.** Enter and inspect the site on which the activity is located,  
15 subject to s. ~~30.291~~ <sup>30.239</sup> ~~30.254~~, if the department determines such an inspection is  
16 necessary.

17        **SECTION 145.** 30.20 (1t) (a) of the statutes is amended to read:

18        **30.20 (1t) (a)** The department shall issue statewide general permits under s.  
19 ~~30.206~~ 30.221 that authorize any person to remove material for maintenance  
20 purposes from an area from which material has been previously removed.

21        **SECTION 146.** 30.20 (2) (e) of the statutes is amended to read:

22        **30.20 (2) (e)** The notice and hearing provisions of s. ~~30.208~~ 30.244 (3) to (5)  
23 apply to an application for a permit or contract under this subsection.

24        **SECTION 147.** 30.202 of the statutes is renumbered 30.333, and 30.333 (3), as  
25 renumbered, is amended to read:

1           30.333 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities  
2 authorized under sub. (2) are exempt from any prohibition, restriction, requirement,  
3 permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty  
4 specified under this chapter, s. 29.601, 30.01 to 30.20, 30.21 to 30.99, 59.692, 61.351,  
5 62.231, or 87.30, or chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any  
6 rule promulgated, order issued, or ordinance adopted under those sections or  
7 chapters.

8           **SECTION 148.** 30.2022 (title) of the statutes is renumbered 30.341 (title).

9           **SECTION 149.** 30.2022 (1) of the statutes is renumbered 30.341 (2) and amended  
10 to read:

11           30.341 (2) Activities affecting inland waters of the state, as defined in s. 281.01  
12 ~~(18)~~, or outlying waters that are carried out under the direction and supervision of  
13 the department of transportation in connection with highway, bridge, or other  
14 transportation project design, location, construction, reconstruction, maintenance,  
15 and repair are not subject to the prohibitions or permit or approval requirements  
16 specified under s. 29.601, ~~30.11~~, 30.12, 30.123, 30.19, 30.195, 30.20, 30.321, 30.343,  
17 59.692, 61.351, 62.231 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48.  
18 However, at the earliest practical time prior to the commencement of these activities,  
19 the department of transportation shall notify the department of the location, nature,  
20 and extent of the proposed work that may affect the inland waters of the state or  
21 outlying waters.

22           **SECTION 150.** 30.2022 (2) of the statutes is renumbered 30.341 (3) and amended  
23 to read:

24           30.341 (3) The exemption under sub. ~~(1)~~ (2) does not apply unless the activity  
25 is accomplished in accordance with interdepartmental liaison procedures

1 established by the department and the department of transportation for the purpose  
2 of minimizing the adverse environmental impact, if any, of the activity.

3 **SECTION 151.** 30.2022 (3) to (6) of the statutes are renumbered 30.341 (4) to (7).

4 **SECTION 152.** 30.2023 (intro.) of the statutes is renumbered 30.276 (intro.) and  
5 amended to read:

6 **30.276 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian  
7 owner is exempt from the permit requirements under s. 30.12 for a structure that is  
8 placed on the bed of a navigable water in the Wolf River and Fox River basin area,  
9 as described in s. ~~30.207~~ 30.223 (1), and that extends beyond the ordinary  
10 high-water mark, if the following conditions apply:

11 **SECTION 153.** 30.2023 (1) to (9) of the statutes are renumbered 30.276 (1) to (9).

12 **SECTION 154.** 30.2025 of the statutes is renumbered 30.278, and 30.278 (5) (d),  
13 as renumbered is amended to read:

14 **30.278 (5) (d)** It may not cause environmental pollution, ~~as defined in s. 299.01~~  
15 ~~(4).~~

16 **SECTION 155.** 30.2026 of the statutes is renumbered 30.279.

17 **SECTION 156.** 30.203 of the statutes is renumbered 30.355, and 30.355 (4) (d),  
18 as renumbered, is amended to read:

19 **30.355 (4) (d)** It may not cause environmental pollution, ~~as defined in s. 299.01~~  
20 ~~(4).~~

21 **SECTION 157.** 30.2035 of the statutes is repealed.

NOTE: The repealed statute requires the DNR to undertake a shoreline protection study. This study has been issued and the DNR is in the process of promulgating rules.

22 **SECTION 158.** 30.2037 of the statutes is renumbered 30.267.



1           **SECTION 159.** 30.204 of the statutes is renumbered 30.373, and 30.373 (5), as  
2 renumbered, is amended to read:

3           **30.373 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES.** Activities of the  
4 department in conducting the lake acidification experiment are exempt from any  
5 prohibition, restriction, requirement, permit, license, approval, authorization, fee,  
6 notice, hearing, procedure, or penalty specified under this subchapter and subchs.  
7 V and VI and s. 29.601 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to 30.29, 30.50 to  
8 30.99, 59.692, 61.351, 62.231, 87.30, 287.81, 299.15 to 299.23, 299.91, 299.95, or  
9 299.97 or chs. 281, 283 or 289 to 292 or specified in any rule promulgated, order  
10 issued, or ordinance adopted under any of those sections or chapters.

11           **SECTION 160.** 30.205 of the statutes is renumbered 30.335, and 30.335 (title),  
12 as renumbered, is amended to read:

13           **30.335 (title) Water resources development projects; federal**  
14 **agreements.**

15           **SECTION 161.** 30.206 of the statutes is renumbered 30.221, and 30.221 (1) (c)  
16 (intro.), (3) (a), (3r) (a) 2. and (7), as renumbered, are amended to read:

17           **30.221 (1) (c) (intro.)** To ensure that the cumulative adverse environmental  
18 impact of the activities authorized by a general permit is insignificant and that the  
19 issuance of the general permit will not injure public rights or interests, cause  
20 environmental pollution, ~~as defined in s. 299.01 (4),~~ or result in material injury to the  
21 rights of any riparian owner, the department may impose any of the following  
22 conditions on the permit:

23           **(3) (a)** A person wishing to proceed with an activity that may be authorized by  
24 a general permit shall apply to the department, with written notification of the  
25 person's wish to proceed, not less than 30 days before commencing the activity

1 authorized by a general permit. The notification shall provide information  
2 describing the activity in order to allow the department to determine whether the  
3 activity is authorized by the general permit and shall give the department consent  
4 to enter and inspect the site, subject to s. ~~30.291~~<sup>30.234 or</sup> ~~30.254~~. The department may make  
5 a request for additional information one time during the 30-day period. If the  
6 department makes a request for additional information, the 30-day period is tolled  
7 from the date the person applying for authorization to proceed receives the request  
8 until the date on which the department receives the information.

9 (3r) (a) 2. The department has conducted an investigation and visited the site  
10 and has determined that conditions specific to the site require restrictions on the  
11 activity in order to prevent significant adverse impacts to the public rights and  
12 interest, environmental pollution, as defined in s. ~~299.01 (4)~~, or material injury to the  
13 riparian rights of any riparian owner.

14 (7) This section does not apply to an application for a general permit for the  
15 Wolf River and Fox River basin area or any area designated under s. ~~30.207~~ 30.223  
16 (1m).

17 **SECTION 162.** 30.207 (title) of the statutes is renumbered 30.223 (title).

18 **SECTION 163.** 30.207 (1) of the statutes is renumbered 30.223 (1) and amended  
19 to read:

20 30.223 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.2023~~  
21 30.276, the Wolf River and Fox River basin area consists of all of Winnebago County;  
22 the portion and shoreline of Lake Poygan in Waushara County; the area south of  
23 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in  
24 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that  
25 portion of Outagamie County south and east of USH 41; that portion of Waupaca

1 County that includes the town of Mukwa, city of New London, town of Caledonia,  
2 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River  
3 in the town of Weyauwega.

4 **SECTION 164.** 30.207 (1m), (2) and (3) (title) of the statutes are renumbered  
5 30.223 (1m), (2) and (3) (title).

6 **SECTION 165.** 30.207 (3) (a) of the statutes is renumbered 30.223 (3) (a) and  
7 amended to read:

8 30.223 (3) (a) Any local entity, as defined listed in s. 30.77 (3) ~~(dm)~~ (11) (a), any  
9 group of 10 riparian owners who will be affected by the issuance of a general permit,  
10 or any contractor who is or has been involved in the construction of structures or  
11 along navigable waters may apply for a general permit under this section.

12 **SECTION 166.** 30.207 (3) (b) and (c) (intro.) and 1. to 5. of the statutes are  
13 renumbered 30.223 (3) (b) and (c) (intro.) and 1. to 5.

14 **SECTION 167.** 30.207 (3) (c) 6. of the statutes is renumbered 30.223 (3) (c) 6. and  
15 amended to read:

16 30.223 (3) (c) 6. The names and addresses of at least 5 persons who own real  
17 property located adjacent to the navigable waters located in the proposed permit  
18 area. If fewer than 5 persons own real property adjacent to such these waters, the  
19 application shall include the names and addresses of all of these persons.

20 **SECTION 168.** 30.207 (3) (d) and (4) (intro.), (a) and (c) (intro.) of the statutes  
21 are renumbered 30.223 (3) (d) and (4) (intro.), (a) and (c) (intro.).

22 **SECTION 169.** 30.207 (4) (c) 1. of the statutes is renumbered 30.223 (4) (c) 1. and  
23 amended to read:

1           30.223 (4) (c) 1. Any local entity, as defined in s. 30.77 (3) (dm), (11) (a) that has  
2           an interest in the quality or use of or that has jurisdiction over the navigable waters  
3           located in the proposed permit area.

4           **SECTION 170.** 30.207 (4) (c) 2. to 4. and (6) (title) of the statutes are renumbered  
5           30.223 (4) (c) 2. to 4. and (6) (title).

6           **SECTION 171.** 30.207 (6) (a) of the statutes is renumbered 30.223 (6) (a) and  
7           amended to read:

8           30.223 (6) (a) The department shall issue a general permit under this section  
9           if the department determines that the cumulative adverse environmental impact of  
10          the activity in the proposed permit area is insignificant and that the issuance of the  
11          general permit will not injure public rights or interest, cause environmental  
12          pollution, as defined in s. 299.01 (4), or result in material injury to the rights of any  
13          riparian owners.

14          **SECTION 172.** 30.207 (6) (b) and (7) (title) of the statutes are renumbered 30.223  
15          (6) (b) and (7) (title).

16          **SECTION 173.** 30.207 (7) (a) of the statutes is renumbered 30.223 (7) (a) and  
17          amended to read:

18          30.223 (7) (a) At least 15 days before beginning the activity that is authorized  
19          by a general permit under this section, the person who wishes to conduct the activity  
20          shall submit a notice to the department and shall pay the fee specified in s. 30.28

21          <sup>30.241</sup>  
~~30.243~~ (2) (b) 2. The notice shall describe the activity, state the name of the person  
22          that will be conducting the activity, and state the site where the activity will be  
23          conducted. The notice shall also contain a statement signed by the person conducting  
24          the activity that the person will act in conformance with the standards contained in  
25          the general permit.

1       **SECTION 174.** 30.207 (7) (b) of the statutes is renumbered 30.223 (7) (b) and  
2 amended to read:

3       30.223 (7) (b) Upon receipt of a notice that complies with par. (a), the  
4 department may inform the person that the activity may not be conducted under the  
5 general permit if conditions at the site where the activity would be conducted would  
6 cause adverse environmental impact, injure public rights and interests, or cause  
7 environmental pollution, ~~as defined in s. 299.01 (4).~~ The department shall respond  
8 to the person within 15 days after receiving the notice. Failure of the department  
9 to respond within 15 days shall constitute the department's approval of the activity  
10 under the general permit.

11       **SECTION 175.** 30.207 (7) (c) and (8) to (10) of the statutes are renumbered 30.223  
12 (7) (c) and (8) to (10). (c)  
(3)(a) and  
(e) and

13       **SECTION 176.** 30.208 of the statutes is renumbered 30.244, and 30.244 <sup>2. and 4.</sup> (5) (a)  
14 (intro.), (b) (intro.) <sup>2. and 4.</sup> and (c) (intro.), as renumbered, are amended to read:

15       ~~30.244~~ (5) (a) (intro.) The department shall, by rule, establish procedures for  
16 providing notices of complete applications and notices of public hearings to be  
17 provided under sub. (3), and notices of administrative hearings to be provided under  
18 s. ~~30.209~~ 30.245 (1m). The procedures shall require all of the following:

19       (b) (intro.) The department shall, by rule, prescribe the form and content of  
20 notices of complete applications and notices of public hearings to be provided under  
21 sub. (3), and notices of administrative hearings to be provided under s. ~~30.209~~ 30.245  
22 (1m). Each notice shall include all of the following information:

23       (c) (intro.) The department may delegate the department's requirement to  
24 provide notice under sub. (3) or s. ~~30.209~~ 30.245 (1m) by doing any of the following:

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1           **SECTION 177.** 30.209 of the statutes is renumbered 30.245, and 30.245 (title),  
2           (1), (1m) (b) (intro.) and 1. and (2) (d) 3., as renumbered, are amended to read:

3           **30.245** (title) ~~Contracts and individual~~ Individual permits ~~and~~  
4           contracts; administrative and judicial review.

5           **(1) DEFINITION.** In this section, “applicant” means any person applying to  
6           receive a an individual permit or contract under this subchapter or any person who  
7           has received a permit or contract under this subchapter.

8           **(1m) (b) (intro.)** If the petitioner is not the applicant, the petition shall describe  
9           the petitioner’s objection to the individual permit or contract and shall contain all of  
10          the following:

11          1. A description of the objection that is sufficiently specific to allow the  
12          department to determine which provisions of this subchapter may be violated if the  
13          proposed activity or project under the individual permit or contract is allowed to  
14          proceed.

15          **(2) (d) 3.** Any other persons required to receive notice under the rules  
16          promulgated under s. ~~30.208~~ 30.244 (5).

17          **SECTION 178.** 30.2095 (title) of the statutes is renumbered 30.248 (title) and  
18          amended to read:

19          **30.248** (title) ~~Limits and conditions for~~ Duration of individual permits  
20          and contracts.

21          **SECTION 179.** 30.2095 (1) (a) of the statutes is renumbered 30.248 (1) and  
22          amended to read:

23          30.248 (1) Except as provided in par. (b) sub. (2), every individual permit or  
24          contract issued under ss. ~~30.01 to 30.29~~ this subchapter for which a time limit is not

provided by s. 30.20 (2) (d) is void unless the activity or project is completed within 3 years after the individual permit ~~or contract~~ was issued.

**SECTION 180.** 30.2095 (1) (b) of the statutes is renumbered 30.248 (2) and amended to read:

30.248 (2) The department may specify a time limit of less than 3 years for ~~a~~ an individual permit ~~or contract~~ issued under ss. ~~30.01 to 30.29~~. For this subchapter. Except as provided in s. 30.20 (2) (d), for good cause, the department may extend the time limit for ~~a~~ an individual permit ~~or contract~~ issued under ss. ~~30.01 to 30.29~~ this subchapter for no longer than 2 years if the grantee person issued the permit requests an extension prior to expiration of the initial time limit.

**SECTION 181.** 30.2095 (2) of the statutes is renumbered 30.249 (1) and amended to read:

30.249 (1) For good cause, the department may issue an order to modify or rescind any individual permit or contract issued under ss. ~~30.01 to 30.29~~ this subchapter before its expiration. Sections 30.244 and 30.245 do not apply to modifications ordered by the department under this subsection.

**SECTION 182.** 30.21 of the statutes is renumbered 30.293.

**SECTION 183.** 30.215 of the statutes is created to read:

**30.215 Farm drainage ditches.** Except as provided in s. 30.20 (1g) (a), a project that is for an agricultural purpose and is located in or adjacent to a farm drainage ditch is exempt from the requirement for a permit, contract, or approval under this subchapter unless it is shown, by means of a U.S. geological survey map or other reliable scientific evidence, that the farm drainage ditch was a stream that was a navigable water prior to ditching.

NOTE: The current statute related to farm drainage ditches is as follows:

"30.10 (4) (c) Notwithstanding any other provision of law, farm drainage ditches are not navigable within the meaning of this section unless it is shown that the ditches were navigable streams before ditching. For purposes of this paragraph, "farm drainage ditch" means any artificial channel which drains water from lands which are used for agricultural purposes."

The proposed language in new s. 30.215 differs in 2 key respects from the current statute. The primary difference is that the exemption clearly applies to a project for an agricultural purpose, not to the farm drainage ditch itself. Thus, a project for other than agricultural purposes would require a permit, even though the drainage ditch was originally constructed as and continues to be used as a farm drainage ditch.

The other difference is that the statute specifies the kind of evidence that may be used to show stream history.

1        **SECTION 184.** 30.24 of the statutes is renumbered 30.357.

2        **SECTION 185.** 30.246 of the statutes is created to read: INS 47-1

3        **30.246 Mediation.** (1) At any time after notice of complete application is  
4        provided by the department under s. 30.244 (2) and before any administrative  
5        hearing under s. 30.245 (2) will begin, the department shall allow for mediation if the  
6        department, the applicant for the individual permit or contract, any person  
7        requesting a public hearing under s. 30.244 (3) (b), and any person filing a petition  
8        for administrative review under s. 30.245 (1m) all agree to mediation and agree how  
9        the mediator is to be selected and compensated.

10        (2) An agreement for mediation will hold in abeyance any public hearing under  
11        s. 30.244 (3) (b) and any administrative review under s. 30.245 (1m). If the mediator  
12        determines that an agreement cannot be reached by mediation, the mediator shall  
13        certify the mediation as having ended. Within 30 days after the date on which the  
14        mediation is certified as having ended, any participant in the mediation may request  
15        in writing to the department that the department proceed on the application.

16        (3) If the department does not receive a request under sub. (2) within the  
17        30-day period, the department shall either approve the application or deny the  
18        application without further public hearing or administrative review. INS 47-18

19        **SECTION 186.** 30.249 (title) of the statutes is created to read:



1           **30.249 (title) Modification or rescission of an individual permit or**  
2           **contract by the department.**

3           **SECTION 187.** 30.249 (2) of the statutes is created to read:

4           30.249 (2) The department shall give notice in writing of the order under sub.  
5           (1) to the holder of the individual permit or contract. The department shall notify  
6           the division of hearings and appeals under s. 227.43 (2) (a) if the holder of the  
7           individual permit or contract objects in writing to the order and the department  
8           receives the objection within 30 days after giving notice of the order to the holder of  
9           the individual permit or contract. Upon receiving notification from the department  
10          under s. 227.43 (2) (a), the division of hearings and appeals shall mail a written notice  
11          of the hearing at least 10 days before the hearing to the holder of the individual  
12          permit or contract and to each person who received notice of the order. The  
13          department shall also give written notice of the hearing to each of the following:

14          (a) The clerk of any municipality in which the activity or project that is subject  
15          to the individual permit or contract is located.

16          (b) The secretary of any town sanitary district, any county drainage board, and  
17          any public inland lake protection and rehabilitation district in which the activity or  
18          project that is subject to the individual permit or contract is located.

NOTE: Procedures are added related to modifying or rescinding an individual  
permit or contract by the department in order to provide explicitly that the holder of any  
individual permit or contract must receive due process in such proceedings.

19          **SECTION 188.** 30.25 of the statutes is renumbered 30.269.

20          **SECTION 189.** 30.253 of the statutes is created to read:

21          **30.253 Conditions on individual permits and contracts.** The department  
22          may impose additional conditions on an individual permit or contract under this  
23          subchapter if the department determines that the conditions are necessary to ensure

1 compliance with any applicable provision under this subchapter. A department's  
2 decision to impose a condition on an individual permit or contract under this  
3 subchapter shall be subject to the review procedures under s. 30.245.

4 **SECTION 190.** 30.26 of the statutes is renumbered 30.271.

5 **SECTION 191.** 30.263 (title) of the statutes is created to read:

6 **30.263 (title) Duck Creek Drainage District.**

7 **SECTION 192.** 30.263 (1) (title) of the statutes is created to read:

8 **30.263 (1) (title) DECLARATION OF NAVIGABILITY.**

9 **SECTION 193.** 30.265 of the statutes is renumbered 30.375.

10 **SECTION 194.** 30.266 (1) (intro.) of the statutes is created to read:

11 **30.266 (1) DEFINITIONS.** (intro.) In this section:

12 **SECTION 195.** 30.27 of the statutes is renumbered 30.273.

13 **SECTION 196.** 30.275 of the statutes is renumbered 30.359.

14 **SECTION 197.** 30.277 of the statutes is renumbered 30.361.

15 **SECTION 198.** 30.28 (title) and (1) to (3) of the statutes are renumbered <sup>30.241</sup> ~~30.243~~

16 (title) and (1) to (3), and <sup>30.241</sup> ~~30.243~~ (1), (2) (a) (intro.) and (b), (2m) (am), (b) and (d) and  
17 (2r) (b), as renumbered, are amended to read:

18 <sup>30.241</sup> ~~30.243~~ (1) **FEEs REQUIRED.** The department shall charge a permit or approval  
19 fee for carrying out its duties and responsibilities under ~~ss. 30.10 to 30.205, 30.207~~  
20 ~~and 30.21 to 30.27 this subchapter, except s. 30.221.~~ The permit or approval fee shall  
21 accompany the permit application, notice, or request for approval.

22 (2) (a) (intro.) ~~For~~ Except as provided in par. (b), for fees charged for permits  
23 and approvals under ~~ss. 30.10 to 30.205 and 30.21 to 30.27~~ as authorized under sub.  
24 (1), the department shall classify the types of permits and approvals based on the  
25 estimated time spent by the department in reviewing, investigating, and making

determinations whether to ~~grant~~ issue the permits or approvals. The department shall then set the fees as follows:

(b) 1. For an application for a general permit submitted under s. ~~30.207~~ 30.223 (3), the fee shall be \$2,000.

2. For a notice submitted under s. ~~30.207~~ 30.223 (7), the fee shall be \$100.

(2m) (am) The department shall refund 50% of the fee specified in sub. (2) (b) 1. if the department denies an application for a general permit under s. ~~30.207~~ 30.223 (3) (d) 1. or does not issue a general permit under s. ~~30.207~~ 30.223 (6).

(b) If the applicant applies for a permit, requests an approval, or submits a notice under s. ~~30.207~~ 30.223 (7) after the project is begun or after it is completed, the department shall charge an amount equal to twice the amount of the fee that it would have charged under this section.

(d) The department, by rule, may increase any fee specified in sub. (2) (a). The department, by rule, may increase a fee specified in sub. (2) (b) only if the increase is necessary to meet the costs incurred by the department in acting on general permits or on notices submitted under s. ~~30.207~~ 30.223.

(2r) (b) If the department promulgates a rule under par. (a), the rule shall contain a time limit for each type of permit or approval classified under sub. (2) (a) for determining whether the department will ~~grant~~ issue the permit or approval.

SECTION 199. 30.29 of the statutes is renumbered ~~30.264~~ <sup>30.285; 30.237</sup> <sub>30.83</sub>.

SECTION 200. 30.291 of the statutes is renumbered ~~30.254~~ <sup>30.239</sup> <sub>30.239</sub>, and ~~30.254~~ <sup>30.239</sup> <sub>30.239</sub> (1) and

(4), as renumbered, are amended to read:

<sup>30.239</sup> ~~30.254~~ (1) For purposes of determining whether an exemption is appropriate under s. 30.12 (2m) or (2r), 30.123 (6m) or (6r), or 30.20 (1m) or (1r), whether a general permit is appropriate under s. ~~30.206~~ 30.221 (3), or whether authorization to proceed

1 under a general permit is appropriate under s. ~~30.206~~ 30.221 (3r), any employee or  
2 other representative of the department, upon presenting his or her credentials, may  
3 enter the site and inspect any property on the site.

4 (4) If the owner of the site refuses to give consent for an entry and inspection  
5 to determine whether authorization to proceed under a general permit is appropriate  
6 under s. ~~30.206~~ 30.221 (3r), the department shall deny authorization to proceed  
7 under the general permit and shall allow an application to be submitted for an  
8 individual permit for the activity.

9 **SECTION 201.** 30.292 of the statutes is repealed.

NOTE: The repealed provision relates to parties to a violation. An identical  
provision that applies to ch. 30 in its entirety already exists in s. 30.99.

10 **SECTION 202.** 30.294 of the statutes is renumbered 30.94.

11 **SECTION 203.** 30.298 (title) of the statutes is repealed.

12 **SECTION 204.** 30.298 (1) of the statutes is renumbered 30.381 (1) and amended  
13 to read:

14 30.381 (1) GENERAL PENALTY. Any person who violates any provision of ss. ~~30.12~~  
15 ~~to 30.21~~ 30.095, 30.123, 30.135 to 30.20, 30.217, 30.223, 30.266, 30.276 to 30.293,  
16 30.313, 30.355, or 30.85 for which a penalty is not provided under the applicable  
17 section or by sub. (2) or (3) subs. (2) to (7) shall forfeit not less than \$100 nor more  
18 than \$10,000 for the first offense and shall forfeit not less than \$500 nor more than  
19 \$10,000 upon conviction of the same offense a 2nd or subsequent time.

20 **SECTION 205.** 30.298 (2) of the statutes is renumbered 30.381 (6).

21 **SECTION 206.** 30.298 (3) of the statutes is renumbered 30.381 (7) and amended  
22 to read:

1           30.381 (7) GENERAL PERMITS. Any person who violates a general permit under  
2 s. ~~30.206~~ 30.221 shall forfeit not less than \$10 nor more than \$500 for the first offense  
3 and shall forfeit not less than \$50 nor more than \$500 upon conviction of the same  
4 offense a 2nd or subsequent time.

5           **SECTION 207.** 30.298 (4) of the statutes is renumbered 30.98 (3) and amended  
6 to read:

7           30.98 (3) A violation of a permit, contract, or order issued under this chapter,  
8 or a violation of a condition or term under the permit, contract, or order, is a violation  
9 of the statute under which the permit, contract, or order was issued.

10          **SECTION 208.** 30.298 (5) of the statutes is renumbered 30.381 (8) and amended  
11 to read:

12          30.381 (8) ADDITIONAL ORDERS. In addition to the any forfeitures specified under  
13 subs. (1) ~~to (3), (6), and (7)~~, the court may order the defendant to perform or refrain  
14 from performing such acts as may be necessary to fully protect and effectuate the  
15 public interest in navigable waters. The court may order abatement of a nuisance,  
16 restoration of a natural resource, or other appropriate action designed to eliminate  
17 or minimize any environmental damage caused by the defendant.

18          **SECTION 209.** Subchapter III (title) of chapter 30 [precedes 30.299] of the  
19 statutes is renumbered subchapter IV (title) of chapter 30 [precedes 30.4909].

20          **SECTION 210.** 30.30 of the statutes is renumbered 30.491, and 30.491 (5) and  
21 (7), as renumbered, are amended to read:

22          30.491 (5) ACQUISITION OF LAND. Acquire such lands or interests therein as it  
23 deems necessary for properly carrying out its powers under this chapter subchapter,  
24 including such lands outside the municipal limits as are necessary to protect its

1 property or to carry out its powers under sub. (3). Such acquisition may be by  
2 condemnation proceedings.

3 (7) DOING OF WORK. Contract for the doing of the work authorized by this section  
4 or purchase the necessary equipment for the doing of the work itself, but if the  
5 municipality has established a board of harbor commissioners such board shall have  
6 charge of the letting of contracts and shall supervise the doing of the work, except  
7 as provided in ss. ~~30.31~~ 30.492 (1) and ~~30.32~~ 30.493 (2).

8 **SECTION 211.** ~~30.31~~ of the statutes is renumbered 30.492, and ~~30.492~~ (1), (4)  
9 and (6), as renumbered, are amended to read:

10 30.492 (1) SUPERVISION OF WORK. In exercising the powers granted by s. ~~30.30~~  
11 30.491 (1) to (3), a municipality shall be governed by the law governing the laying out,  
12 improvement, and repair of streets and bridges in such municipality, so far as  
13 applicable, except that no petition of property owners for doing any such work is  
14 necessary. If the municipality has established a board of harbor commissioners, such  
15 board shall be in charge of the work unless the board determines that it is not  
16 equipped to supervise the work and by resolution delegates such function to the  
17 agency which ordinarily performs such function for the municipality. If the  
18 municipality does not have a board of harbor commissioners, the municipality's  
19 board of public works or, in the event there is no such board, the municipality's  
20 governing body shall be in charge of the work.

21 (4) ACQUISITION OF LAND. In acquiring land by condemnation for any of the  
22 purposes specified in this ~~chapter~~ subchapter, a municipality shall be governed by  
23 the law relating to condemnation of land for public grounds or street purposes.  
24 Whenever land is acquired through a land contract arrangement, such contract may

1 create a lien on such lands for the purchase price and interest thereon but shall not  
2 create any liability therefor on the part of the municipality.

3 (6) SPECIAL ASSESSMENTS. Special assessments for benefits to lands, when  
4 authorized by s. ~~30.30~~ 30.491 (4), shall be made and enforced as provided by s.  
5 66.0703, except that at any time within the 90-day period immediately following the  
6 publication of the final resolution as required by s. 66.0703 (8) (d), the owner of any  
7 property along which such improvement is to be made may elect to make the  
8 improvement along the owner's property at the owner's expense in accordance with  
9 the approved plans and specifications or in a manner which conforms to good  
10 engineering practice and which provides for materials and designs which, with  
11 respect to strength and permanence, are at least equal to the requirements of the  
12 approved plans and specifications. If the owner makes the improvement at the  
13 owner's expense, no assessment of benefits shall be made therefor. If such owner  
14 fails to commence the work within the 90-day period specified herein or fails to carry  
15 on and complete the work with due diligence, the work may be done or completed by  
16 the municipality and assessment of benefits made therefor.

17 SECTION 212. 30.32 of the statutes is renumbered 30.493.

18 SECTION 213. 30.323 (title) of the statutes is created to read:

19 **30.323 (title) Pierhead lines.**

20 SECTION 214. 30.327 (title) of the statutes is created to read:

21 **30.327 (title) Municipal duty to report violations.**

22 SECTION 215. 30.33 of the statutes is renumbered 30.494.

23 SECTION 216. 30.34 of the statutes is renumbered 30.495, and 30.495 (1), (2),

24 (3) (a) and (4), as renumbered, are amended to read:

1           30.495 (1) HARBOR FUND TO BE CREATED. All municipalities operating a public  
2 harbor through a board of harbor commissioners shall establish in the municipal  
3 treasury a revolving fund to be known as the “harbor fund”. Moneys for such fund  
4 may be raised by appropriation from the general fund or by taxation or loan as other  
5 moneys in the general fund are raised. Moneys in such fund may be expended only  
6 as provided in s. ~~30.38~~ 30.498 (13).

7           (2) FINANCING DOCK WALLS AND SHORE PROTECTION WALLS. A municipality may  
8 pay either or both the assessable and nonaccessible parts of the cost of the  
9 construction, maintenance, or repair of any dock wall or shore protection wall,  
10 authorized by s. ~~30.30~~ 30.491 (3), out of its general fund or other available funds, or  
11 it may finance such work through the issuance of its negotiable bonds as provided  
12 in ch. 67, except that it is not necessary to include such bonds in the municipal budget  
13 or to submit the question of their issuance to a referendum vote of the electors. The  
14 bonds shall be serial bonds, shall be payable at any time within 10 years, and shall  
15 bear interest payable either annually or semiannually as the governing body  
16 determines. The bonds shall be a direct obligation of the municipality and the full  
17 faith and credit of the municipality shall be pledged for their payment. No such  
18 bonds shall be issued unless at or before the time of their issuance the governing body  
19 levies a direct annual tax sufficient to pay the principal and interest thereon as they  
20 fall due.

21           (3) (a) Any municipality may, with the consent of its board of harbor  
22 commissioners, finance the cost of acquisition, construction, alteration, or repair of  
23 any harbor facility by issuing evidences of indebtedness payable only out of the  
24 revenue obtained from the public harbor facilities. Such evidences of indebtedness  
25 may be revenue bonds, refunding bonds, or bond anticipation notes issued under s.



1     ~~30.35~~ 30.496 or 66.1103 or may be pledges or assignments of net profits, issued  
2     pursuant to s. 66.0621 (5) as if the harbor facility were a public utility.

3           **(4) EMERGENCY REPAIR FUND.** Any municipality having established a board of  
4     harbor commissioners to operate its harbor facilities may create a contingent fund  
5     for the purpose of permitting the secretary of the board to pay for repairs to harbor  
6     facilities which constitute emergency repairs within the meaning of s. ~~30.32~~ 30.493  
7     (4). The secretary may pay for such repairs out of such fund on the secretary's  
8     signature alone.

9           **SECTION 217.** 30.341 (1) of the statutes is created to read:

10          30.341 (1) In this section, "inland waters" has the meaning given in s. 29.001  
11     (45).

12          **SECTION 218.** 30.343 (title) of the statutes is created to read:

13          **30.343 (title) Activities of board of commissioners of public lands.**

14          **SECTION 219.** 30.35 of the statutes is renumbered 30.496, and 30.496 (6), as  
15     renumbered, is amended to read:

16          **30.496 (6) BONDHOLDERS AND NOTEHOLDERS HAVE LIEN.** Title to all of the harbor  
17     facilities for which revenue bonds, refunding bonds, or bond anticipation notes are  
18     issued remains in the municipality, but a statutory lien exists in favor of the  
19     bondholders and noteholders against the facilities which have been acquired,  
20     constructed, altered, or remodeled and the cost of which has been financed with  
21     funds obtained through the issuance of such bonds and notes. To provide further  
22     security for the bondholders and noteholders, the ordinance or resolution  
23     authorizing the issuance of revenue bonds, refunding bonds, or bond anticipation  
24     notes may provide for a pledge of the revenues of the facilities, including, if the

1 facilities are leased under sub. ~~(6)~~ this subsection, an assignment of all or part of the  
2 municipality's rights as lessor.

3 **SECTION 220.** 30.37 of the statutes is renumbered 30.497, and 30.497 (6) and  
4 (7), as renumbered, are amended to read:

5 30.497 (6) EFFECT OF REVISION ON EXISTING HARBOR BOARDS. Boards of harbor  
6 commissioners, harbor commissions, or dock and harbor boards in existence on  
7 January 1, 1960, are deemed to be valid boards of harbor commissioners as if created  
8 pursuant to this section and are vested with all of the powers and duties conferred  
9 upon boards of harbor commissioners by this ~~chapter~~ subchapter. The members of  
10 such boards may continue to hold office until their terms expire, notwithstanding  
11 any provision of this section which would otherwise disqualify them, but  
12 appointments made after January 1, 1960, shall be made only in accordance with  
13 this section. Nothing in this subsection is intended to prevent a municipality by  
14 resolution from abolishing its board of harbor commissioners, harbor commission, or  
15 dock and harbor board.

16 (7) MILWAUKEE COUNTY. Milwaukee County, with respect to the land ceded or  
17 granted to Milwaukee County as described in 1997 Wisconsin Act 70, section 3, may  
18 directly exercise all of the powers and perform all of the duties conferred on a board  
19 of harbor commissioners under ss. ~~30.34, 30.35 and 30.38~~ 30.495, 30.496, and 30.498,  
20 but Milwaukee County may not create a board of harbor commissioners if sub. (1) (b)  
21 applies. Milwaukee County shall have exclusive jurisdiction over the operation,  
22 administration, maintenance, improvement, alteration, and repair of any marina  
23 facility or marina related anchorage located on this land.

24 **SECTION 221.** 30.38 of the statutes is renumbered 30.498, and 30.498 (3) and  
25 (13) (a) and (b), as renumbered, are amended to read:

1           30.498 (3) CONTRACT PROCEDURES. In the letting of work relative to the  
2 construction, repair, or maintenance of a harbor or harbor facility or in the purchase  
3 of equipment, supplies, or materials relative to carrying out its powers and duties,  
4 a board of harbor commissioners shall be governed by the procedures and  
5 requirements set forth in s. ~~30.32~~ 30.493.

6           (13) (a) All moneys appropriated to a board of harbor commissioners, all  
7 revenues derived from the operation of the public harbor except in the case of a joint  
8 harbor revenue from joint improvements before division thereof, and all other  
9 revenues of the board shall be paid into the municipal treasury and credited to the  
10 harbor fund, except that revenues assigned or pledged under s. ~~30.35~~ 30.496 (6) or  
11 66.1103 shall be paid into the fund or funds provided for in the ordinance or  
12 resolution authorizing the issuance of the bonds and shall be applied in accordance  
13 with that ordinance or resolution.

14           (b) Subject to the limitations and conditions otherwise expressed in this section  
15 and to a budget approved by the municipal governing body, moneys in the harbor  
16 fund may be used for the acquisition, construction, improvement, repair,  
17 maintenance, operation, and administration of the public harbor and harbor  
18 facilities and for the acquisition, chartering, and operation of vessels under sub. (8)

19           (b) 3. Except as provided in s. ~~30.34~~ 30.495 (4), such moneys shall be paid out of the  
20 harbor fund only on orders signed by the president and secretary of the board, or  
21 some other official authorized by the board, after the allowance of claims by the board  
22 or on orders entered in the minutes of the board. Disbursements from the harbor  
23 fund shall be audited as other municipal disbursements are audited; however, the  
24 board may determine on some other procedure it deems appropriate for the  
25 consideration of claims and the reporting thereof notwithstanding the provisions of

1 this paragraph. If a procedure other than that set forth in this paragraph is  
2 prescribed by the board, the approval of the chief auditing officer shall be obtained.

3 **SECTION 222.** 30.381 (title) of the statutes is created to read:

4 **30.381 (title) Subchapter penalties.**

5 **SECTION 223.** 30.381 (3) (title) of the statutes is created to read:

6 30.381 (3) (title) FISHING RAFTS.

7 **SECTION 224.** 30.381 (4) (title) of the statutes is created to read:

8 30.381 (4) (title) STRUCTURES AND DEPOSITS.

9 **SECTION 225.** 30.381 (4) (b) of the statutes is created to read:

10 30.381 (4) (b) Any person who, after having been found under this subsection  
11 to have violated s. 30.12, violates s. 30.12 shall be fined not more than \$1,000 or  
12 imprisoned for not more than 6 months or both if the present offense occurs within  
13 5 years after a finding under par. (a) or a conviction under this paragraph.

NOTE: The criminal penalty in current law for violating s. 30.12 permit  
requirements is the only criminal penalty in subch. II. This provision modifies the  
criminal penalty so that it applies to repeat violations. The current civil penalty  
(forfeiture) in s. 30.15 (1) (d), renumbered in this bill, continues to apply to any violations  
of s. 30.12.

14 **SECTION 226.** 30.381 (5) of the statutes is created to read:

15 30.381 (5) WHARVES, PIERS, AND SWIMMING RAFTS. Any person who constructs or  
16 places a wharf, pier, or swimming raft in navigable waters in violation of s. 30.13  
17 shall forfeit not less than \$100 nor more than \$500 for each offense. Each day during  
18 which a wharf, pier, or swimming rafts exists in violation of s. 30.13 is a separate  
19 offense.

20 **SECTION 227.** 30.381 (6) (title) of the statutes is created to read:

21 30.381 (6) (title) DIVERSIONS OF WATER; CHANGING OF STREAM COURSES.

1       **SECTION 228.** Subchapter IV (title) of chapter 30 [precedes 30.40] of the  
2 statutes is renumbered subchapter III (title) of chapter 30 [precedes 30.40].

3       **SECTION 229.** 30.50 (1b) of the statutes is created to read:

4       **30.50 (1b)** “Aids to navigation” means buoys, beacons, and other fixed objects  
5 in the water that are used to mark obstructions to navigation or to direct navigation  
6 through safe channels.

NOTE: This definition is moved here from current s. 30.74 (2) (b).

7       **SECTION 230.** 30.50 (2) of the statutes is renumbered 30.01 (1bm) and amended  
8 to read:

9       **30.01 (1bm)** “Boat” or “vessel” means every description of watercraft used or  
10 capable of being used as a means of transportation on water, except a seaplane on the  
11 water and a fishing raft.

NOTE: The definition of “boat” and “vessel” are relocated to the definitions  
applicable to the entire chapter.

12       **SECTION 231.** 30.50 (4q) of the statutes is amended to read:

13       **30.50 (4q)** “Lake sanitary district” means a town sanitary district that has  
14 within its boundaries at least 60% of the footage of shoreline of a public inland lake,  
15 as defined in s. 60.782 (1), for which a public inland lake protection and rehabilitation  
16 district is not in effect. The footage of shoreline shall be measured by use of a map  
17 wheel on the U.S. geological survey 7 1/2 minute series map.

NOTE: The current statutes provide for the determination of shoreline footage in  
s. 30.105. Section 30.105 is replicated in the 3 statutes where measurement of shoreline  
footage is specified.

18       **SECTION 232.** 30.50 (4u) of the statutes is created to read:

19       **30.50 (4u)** “Local governmental unit” means a city, village, town, county, town  
20 sanitary district, or public inland lake protection and rehabilitation district.

21       **SECTION 233.** 30.50 (9) of the statutes is amended to read:

1           30.50 (9) “Owner” Except as provided in s. 30.605, “owner” means the person  
2 who has lawful possession of a boat by virtue of legal title or equitable interest  
3 therein which entitles the person to lawful possession.

4           **SECTION 234.** 30.50 (9b) of the statutes is created to read:

5           30.50 (9b) “Patrol boat” means a boat authorized by this state or by a local  
6 governmental unit for the purpose of law enforcement, search and rescue, fire  
7 fighting, emergency response, or water safety operations, including a water safety  
8 patrol unit.

NOTE: “Patrol boat” is defined here and used consistently in subch. V in statutes  
related to the equipment and operation of such boats.

9           **SECTION 235.** 30.50 (10g) of the statutes is created to read:

10          30.50 (10g) “Regulatory marker” means any anchored or fixed marker in the  
11 water or anchored platform on the surface of the water, other than aids to navigation,  
12 and includes a swimming area marker, speed zone marker, information marker,  
13 mooring buoy, fishing buoy, and restricted activity area marker.

NOTE: This definition is moved here from current s. 30.74 (2) (b).

14          **SECTION 236.** 30.50 (13r) of the statutes is created to read:

15          30.50 (13r) “Water skiing or a similar activity” means any activity in which a  
16 person is towed in the water behind or alongside of a boat, including barefoot skiing,  
17 aquaplaning, kneeboarding, or being towed on an inflatable device.

NOTE: This clarifies the use of the term “water skiing or a similar activity”. The  
list of activities after “including” is not meant to be exclusive. This definition is intended  
to apply to other similar activities that are currently enjoyed on the water, or that may  
be developed and introduced in the future.

18          **SECTION 237.** 30.5005 of the statutes is created to read:

19          **30.5005 Department duties and powers. (1) FEDERAL LAW.** The department  
20 shall submit proposed legislation to the legislature in the manner provided under s.

1 13.172 (2) in order to conform the requirements under ss. 30.50 to 30.71 with federal  
2 statutes and regulations.

NOTE: This provision directs the department to suggest new legislation to keep statutory boat registration, equipment and operation requirements in conformity with federal regulations. Current statutes specifically requiring conformity with federal regulations [ss. 30.501 (8), 30.505, 30.61 (9), 30.62 (9) and 30.67 (2) (a)] are amended or repealed. The special committee does not intend by this new procedure to withdraw the statutory authority for any rules promulgated by the DNR that adopt federal statutes or regulations, whether wholly or in part.

3 (2) RULES; GENERALLY. The department may promulgate rules under this  
4 subchapter. Any reference to a provision of this subchapter includes any rule  
5 promulgated under that provision.

NOTE: The first sentence of sub. (2), above, restates the authority of the DNR to promulgate rules. This bill eliminates various statutes that grant permissive rule-making authority in subch. V. The 2nd sentence in sub. (2), above, eliminates the need for several instances of the phrase in the form, "this section, or rules promulgated under this section", and applies that principle to all rules promulgated under subch. V. In addition, it should be noted that DNR has emergency rule-making authority under s. 227.24.

6 **SECTION 238.** 30.501 (8) of the statutes is repealed.

NOTE: Current s. 30.501 (8) authorizes the DNR to promulgate rules regarding boat capacity plates, and requires the rules to conform with appropriate federal regulations. This provision is repealed for several reasons. First, the authorization to promulgate regulations is stated generally for all of subch. V in new s. 30.5005 (1) (b). Second, it is not necessary to state that the rules must comply with federal regulations. Third, if there is an issue regarding the consistency of statutes with federal regulations, that is a matter for the legislature, and not for DNR rules.

7 **SECTION 239.** 30.501 (9) of the statutes is amended to read:

8 30.501 (9) This section applies to vessels manufactured ~~after January 1, 1966~~  
9 ~~and~~ prior to November 1, 1972. All vessels manufactured on or after November 1,  
10 1972, shall comply with appropriate federal regulations and the capacity  
11 information shall be displayed as required.

NOTE: Section 30.501 relates to capacity plates on boats. This amendment makes the statute applicable to all boats manufactured prior to November 1, 1972.

12 **SECTION 240.** 30.505 of the statutes is amended to read:

1           **30.505 Certificate of number system to conform to federal system.** The  
2 certificate of number system and the issuance of identification numbers employed  
3 by the department shall be in conformity with the overall system of identification  
4 numbering for boats established by the U.S. federal government. The department  
5 ~~shall promulgate rules as are necessary to bring the state certificate of number~~  
6 ~~system and the issuance of identification numbers into conformity with this federal~~  
7 ~~system.~~

NOTE: The rationale for this amendment is the same as that stated in the note describing the repeal of s. 30.501 (8).

8           **SECTION 241.** 30.52 (1) (b) 1r. of the statutes is amended to read:

9           30.52 (1) (b) 1r. ~~A~~ When a person applying applies for registration of a federally  
10 documented vessel, the department shall ~~submit as part of the application a~~  
11 ~~photocopy of the front and back of~~ verify that the federal certificate of documentation  
12 for the vessel, ~~which must be~~ is current at the time of applying for registration.

NOTE: Information on federally documented vessels is available on the U.S. Coast Guard web site, and the DNR may verify the federal documentation by that means. The DNR may also request a photocopy of the federal registration.

13           **SECTION 242.** 30.537 (4) (e) of the statutes is repealed.

NOTE: This provision requires a person who receives notice from the DNR under s. 30.571 regarding perfection of a security interest on a boat titled in another state to pay a \$2 fee to the DNR. The DNR does not have an effective means to collect this fee and does not currently collect it, and it is therefore repealed.

14           **SECTION 243.** 30.54 (2) of the statutes is amended to read:

15           30.54 (2) If a person applies for a replacement certificate under sub. (1),  
16 conservation wardens or local law enforcement officials, after presenting  
17 appropriate credentials to the owner or legal representative of the owner named in  
18 the certificate of title, ~~shall~~ may inspect the boat's engine serial number or hull  
19 identification number, for purposes of verification or enforcement.

NOTE: This provision relates to replacement certificates of title. This provision requires a conservation warden or local law enforcement official to inspect the hull



number of engine number of a boat in order to verify it in connection with replacement of the certificate of title by the DNR. This inspection is not consistently performed, and this bill makes the inspection optional.

1       **SECTION 244.** 30.571 of the statutes is amended to read:

2       **30.571 Notification of person who has perfected security interest.** If the  
3       department receives information from another state that a boat that is titled in this  
4       state is being titled in the other state and the information does not show that a  
5       perfected security interest, as shown by the records of the department, has been  
6       satisfied, the department shall notify the person who has perfected the security  
7       interest. ~~The person shall pay the department the fee under s. 30.537 (4) (e) for each~~  
8       notification.

NOTE: The fee referenced in this provision is eliminated by this bill.

9       **SECTION 245.** 30.60 of the statutes is repealed.

NOTE: Current s. 30.60 creates a motorboat classification system based on boat length. These classifications are only used in 3 places in the current statutes: ss. 30.61 (2) and (3) and 30.69 (1) (a). Rather than use this classification system, those statutes are amended to substitute reference to the length of the motorboat.

10       **SECTION 246.** 30.605 of the statutes is created to read:

11       **30.605 Owner; definition.** In ss. 30.61 to 30.71, "owner" means any of the  
12       following:

13       (1) An owner, as defined in s. 30.50 (9).

14       (2) A lessee of a boat.

NOTE: "Lessee" is added to the definition of owner to assure that the statutes apply to those who may lease a boat on a long-term basis. Section 30.50 (9) defines "owner" to include a person who has an equitable interest in a boat, but that term does not necessarily describe a lease and, in any case, that definition is meant to apply primarily to boat titling and registration statutes. "Lessee" does not include short-term rental of boats, such as on a daily or weekly basis.

15       **SECTION 247.** 30.61 (1), (2) (intro.), (3) (intro.), (4), (6) (b), (7) and (8) of the  
16       statutes are amended to read:

1           30.61 (1) WHEN LIGHTS REQUIRED; PROHIBITED LIGHTS. (a) No person shall ~~may~~  
2       operate any motorboat at any time from sunset to sunrise unless ~~such~~ the motorboat  
3       carries the lighting equipment required by this section and unless ~~such~~ the lighting  
4       equipment is lighted when and as required by this section.

5           (b) No owner shall ~~may~~ give a person permission ~~for the operation of to operate~~  
6       a motorboat at any time from sunset to sunrise unless ~~such~~ the motorboat is equipped  
7       as carries the lighting equipment required by this section.

8           (c) No person shall ~~may~~ exhibit ~~from or~~ on any motorboat when under way at  
9       any time from sunset to sunrise any light which may be mistaken for those required  
10      by this section.

11          (2) LIGHTS FOR MOTORBOATS ~~OF CLASSES A AND 1~~ LESS THAN 26 FEET LONG. (intro.)  
12      All motorboats ~~of classes A and 1~~ less than 26 feet long when under way at any time  
13      from sunset to sunrise shall carry and have lighted the following lamps:

14          (3) LIGHTS FOR MOTORBOATS ~~OF CLASSES 2 AND 3~~ 26 OR MORE FEET LONG. (intro.) All  
15      motorboats ~~of classes 2 and 3~~ 26 or more feet long when under way at any time from  
16      sunset to sunrise shall carry and have lighted the following lamps:

17          (4) SAILBOATS WITH MOTORS. ~~Sailboats~~ A sailboat equipped with ~~motors~~ a motor  
18      and being propelled in whole or in part by ~~such~~ the motor ~~must~~ shall comply with sub.  
19      (2) or (3), ~~whichever is~~ as applicable. Whenever ~~such~~ a sailboat is being propelled  
20      entirely by sail at any time from sunset to sunrise, it shall have lighted the lamps  
21      showing the colored lights specified in sub. (2) or (3), but not the lamps showing the  
22      white lights, and shall carry ready at hand a lantern or flashlight showing a white  
23      light which shall be exhibited in sufficient time to avert collision.

24          (6) (b) ~~This subsection does not require any light to be shone from~~ A duck blinds  
25      blind constructed on emergent vegetation is not required to be lighted.

1           (7) ~~PERFORMANCE~~ DESIGN SPECIFICATIONS FOR LAMPS. Every white light  
2       prescribed required by this section shall be ~~of such character as~~ designed to be visible  
3       at a distance of at least 2 miles on a dark night with clear atmosphere. Every colored  
4       light prescribed required by this section shall be ~~of such character as~~ designed to be  
5       visible at a distance of at least one mile on a dark night with clear atmosphere. The  
6       owner of a motorboat that is required to carry lighting equipment under this section  
7       shall maintain the equipment so that the equipment functions as designed.

NOTE: The current statute requires lights to be "of such character" as to be "visible".  
This language establishes a design standard for the lights, and the requirement is revised  
and clarified accordingly. A requirement to maintain the lights is added.

8           (8) OPTIONAL LIGHTING REQUIREMENTS. Any boat may carry and exhibit the lights  
9       required by the federal international regulations for preventing collisions at sea,  
10      ~~1948, federal act of October 11, 1951, (33 USC 143-147d) as amended, as~~  
11      implemented by 33 CFR part 81 and interpreted by 33 CFR part 82 in lieu of the  
12      lights required by subs. (2) and (3).

13       **SECTION 248.** 30.61 (9) of the statutes is repealed.

NOTE: The current statute requires DNR to promulgate rules to keep the lighting  
requirement consistent with federal law. This provision is replaced by a directive in new  
s. 30.5005 for the DNR to propose statutory amendments to keep statutory registration,  
equipment and operation requirements in conformity with federal regulations.

14       **SECTION 249.** 30.61 (10) of the statutes is renumbered 30.68 (13) and amended  
15      to read:

16       **30.68 (13) OPERATION NIGHTTIME OPERATION OF PERSONAL WATERCRAFT.** (a)  
17      ~~Notwithstanding subs. (1), (2), (8) and (9), no~~ No person may operate a personal  
18      watercraft at any time from sunset to sunrise.

19       (b) If a person operates a personal watercraft in violation of par. (a), the  
20      operation shall be subject to additional penalties for any failure to comply with the  
21      applicable lighting requirements under ~~subs. s. 30.61 (1), (2), and (8) and (9).~~

1           **SECTION 250.** 30.62 (title), (1) and (2) (b) of the statutes are amended to read:

2           **30.62 (title) ~~Other equipment~~ Equipment other than lighting.** (1) WHEN  
3           EQUIPMENT REQUIRED. No person ~~shall~~ may operate any boat on the waters of this  
4           state unless ~~such~~ the boat is equipped as required by this section and ~~the rules of the~~  
5           department ~~promulgated under this section~~.

6           **(1m) RENTAL BOATS.** No owner of a boat ~~shall~~ may rent ~~such~~ a boat to any other  
7           person for use ~~upon~~ on the waters of this state unless ~~such~~ the boat is equipped at  
8           the time of rental as required by this section and ~~the rules of the department~~  
9           promulgated under this section. ~~If such.~~ If the boat is properly equipped at the time  
10          of rental for conditions then existing, the responsibility of the owner under this  
11          section is met, notwithstanding a subsequent change in the number of passengers  
12          or a change in time from daylight to dark.

NOTE: The provision regarding rules of the department is repealed and replaced  
by a general provision in new s. 30.5005 as created by this bill. That provision states that  
any reference to statutory requirements includes additional requirements promulgated  
by the DNR by rule pursuant to that statutory requirement.

13          **(2) (b) Maximum noise levels for operation.** No person may operate a motorboat  
14          powered by an engine ~~on the waters of this state~~ in such a manner as to exceed a noise  
15          level of 86 measured on an “A” weighted decibel scale.

16          **SECTION 251.** 30.62 (2) (c) of the statutes is renumbered 30.62 (2) (c) 1. and  
17          amended to read:

18          **30.62 (2) (c) 1.** No person may sell, resell, or offer for sale any motorboat for use  
19          on the waters of the state if the motorboat has been so modified that it cannot be  
20          operated ~~in such a manner that it will comply with the noise level requirements~~  
21          under in compliance with par. (b).

22          **SECTION 252.** 30.62 (2) (c) 2. of the statutes is created to read:

1           30.62 (2) (c) 2. No person engaged in the business of selling motorboats at retail  
2       within this state may sell a motorboat for use on the waters of this state in the  
3       ordinary course of that person's business if the motorboat cannot be operated in  
4       compliance with par. (b).

NOTE: Current s. 30.62 (2) (d) prohibits the manufacture and sale of a motorboat for use in this state if it does not comply with maximum noise levels. That statute does not prohibit offering for sale a motorboat that does not meet maximum noise level standards if the boat is not manufactured in this state. This new provision prohibits the retail sale of a motorboat for use on the waters of this state if the motorboat does not meet noise level requirements.

5           **SECTION 253.** 30.62 (2) (d) 1. of the statutes is renumbered 30.62 (2) (d) and  
6       amended to read:

7           30.62 (2) (d) *Maximum noise level for manufacture.* No person may  
8       manufacture and or offer for sale any motorboat for use on the waters of this state  
9       if the motorboat cannot be operated ~~in such a manner so as to comply with the noise~~  
10      ~~level requirements under in compliance with~~ par. (b).

11          **SECTION 254.** 30.62 (2) (d) 2. of the statutes is renumbered 30.62 (2) (dm) and  
12      amended to read:

13          30.62 (2) (dm) *Testing procedures.* The department may promulgate rules  
14      establishing testing procedures to determine noise levels for the enforcement of this  
15      section. The department may revise these rules as necessary to adjust to advances  
16      in technology.

17          **SECTION 255.** 30.62 (2) (d) 3. of the statutes is repealed.

18          **SECTION 256.** 30.62 (2) (f) of the statutes is repealed.

NOTE: This provision requires local ordinances to be identical to this statute. This requirement is imposed by s. 30.77 and is unnecessary here.

19          **SECTION 257.** 30.62 (2) (g) 1. to 3. of the statutes are amended to read:

1           30.62 (2) (g) 1. A motorboat while competing in a water exhibition or race  
2           conducted under a permit from a ~~town, village or city~~ local governmental unit that  
3           enacts an ordinance under s. 30.77 or from an authorized agency of the federal  
4           government.

NOTE: This provision is expanded by use of “local governmental unit” to include counties, town sanitary districts, and lake districts. The reference to a local governmental unit “that enacts an ordinance under s. 30.77” is meant to require that the local governmental unit have some degree of commitment to local regulation of boating. However, this provision does not require the local governmental unit to enact an ordinance related to motor boat racing or speed records. The local governmental unit may simply issue the permit. “Water exhibition” is added to make this provision consistent with s. 30.742 and rules promulgated by the DNR under s. NR 5.19, Wis. Adm. Code.

5           2. A motorboat designed and intended solely for racing, while the ~~boat~~  
6           motorboat is operated incidentally to the testing or tuning up of the motorboat and  
7           engine for the water exhibition or race in an area designated by and operated under  
8           a permit specified under subd. 1.

9           3. A motorboat on an official trial for a speed record if conducted under a permit  
10          from a ~~town, village or city~~ local governmental unit that enacts an ordinance under  
11          s. 30.77.

12          **SECTION 258.** 30.62 (2) (i) of the statutes is repealed.

NOTE: The repealed provision exempts governmental agents from the noise limits when on official duties. This provision is repealed and replaced by a general statute applicable to all statutes and local regulations related to police, rescue, fire fighting, and other similar official boat users. See s. 30.64 (1).

13          **SECTION 259.** 30.62 (2m) and (3) (a) of the statutes are amended to read:

14          30.62 (2m) OVERPOWERING. No person may sell, equip, or operate, and no owner  
15          of a ~~boat~~ motorboat may allow a person to operate, a ~~boat~~ motorboat with any ~~motor~~  
16          or other propulsion machinery beyond its safe power capacity, taking into  
17          consideration the type and construction of ~~such watercraft and other existing~~  
18          operating conditions the motorboat.

NOTE: The definition of “motorboat” in s. 30.50 (6) is “any boat equipped with propulsion machinery, whether or not the machinery is the principle source of propulsion”. This provision refers to a boat with a motor or propulsion machinery, which is by definition a motorboat. This provision is redrafted accordingly. The reference to “other existing operating conditions” is deleted on the grounds that safe power capacity is determined by the size and design of the motorboat and not by operating conditions.

1           (3) (a) Every boat, except a sailboard and except as provided in ~~par.~~ pars. (b)  
2 and (c), shall carry at least one personal flotation device prescribed by federal  
3 regulations 33 CFR part 175 for each person on board or being attended by the boat,  
4 so placed as to be readily accessible and available to the persons.

5           **SECTION 260.** 30.62 (3) (c) of the statutes is created to read:

6           30.62 (3) (c) 1. In this paragraph, “racing vessel” means a manually propelled  
7 racing shell, rowing scull, racing canoe, or racing kayak of the type that is recognized  
8 by a national or international racing association for use in competitive racing.

9           2. Paragraph (a) does not apply to a racing vessel if all of the vessel’s occupants,  
10 other than a coxswain, row, scull, or paddle the vessel and if the vessel is not designed  
11 to carry and does not carry any equipment other than equipment used solely for  
12 competitive racing.

NOTE: This provision duplicates the exemptions in current federal rules, 33 CFR  
175.17.

13           **SECTION 261.** 30.62 (4) (a) of the statutes is amended to read:

14           30.62 (4) (a) Every motorboat, ~~except outboards of open construction,~~ shall be  
15 provided with such number, size and type of fire extinguishers, ~~capable of promptly~~  
16 ~~and effectively extinguishing burning gasoline,~~ as prescribed by rules of the  
17 department. ~~Such~~ The fire extinguishers shall be ~~at all times~~ kept in condition for  
18 immediate and effective use and shall be ~~so placed as to be~~ readily accessible. ~~“Open~~  
19 ~~construction” means construction which will not permit the entrapment of explosive~~  
20 ~~or flammable gases or vapors.~~